

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

EDDIE RODRIGUEZ, *et al.*, §
§
Plaintiffs, §
§
vs. § No. 1:11-CV-00451-LY
§
RICK PERRY, *et al.*, §
§
Defendants. §

ADVISORY TO THE COURT ON SCHEDULING MATTERS

Plaintiffs bring the following matters to the Court's attention:

1. The redistricting plan for federal congressional seats—contained in Senate Bill 4—enacted in the first called session of the 82nd Texas Legislature (which convened May 31st) was sent to the Governor on June 24th and still awaits action by him. Under the Texas Constitution, the Governor has until the end of the day July 19th to either sign the bill or veto it; otherwise, it becomes enacted law on July 20th. *See Tex. Const. Art. IV, § 14.*
2. Under Texas law, Senate Bill 4 is not effective as law until September 28th. *See Senate Bill 4, Art. III, § 5.* In contrast, new redistricting plans for the Texas House of Representatives, Texas Senate, and State Board of Education were passed and signed during the regular session of the 82nd Texas Legislature and become effective under state law on August 29th, a month before Senate Bill 4's effective date.
3. The congressional plan has not been submitted for preclearance under Section 5 of the Voting Rights Act, 42 U.S.C. § 1973c. As a matter of federal law, the state cannot implement the congressional plan until it is precleared as required by Section 5. *See Clark v. Roemer*, 500 U.S. 646, 652 (1991).
4. The plaintiffs bring these matters to the Court's attention in connection with the Amended Scheduling Order of July 8th in *Perez v. Perry*, No. 5:11CV360, pending in the San Antonio Division of this District before a panel composed of two of the three judges composing the panel in this case. That scheduling order sets a trial date of September 6th, which is after the other redistricting plans become effective under state law but before Senate Bill 4 becomes effective (assuming it clears the gubernatorial stage of enactment, as anticipated). No scheduling order has been entered to date for this case.

Respectfully submitted,

Renea Hicks
State Bar No. 09580400
rhicks@renea-hicks.com
Law Office of Max Renea Hicks
101 West 6th Street
Austin, Texas 78701
(512) 480-8231
(512) 480-9105 FAX

SCOTT, DOUGLASS & MCCONNICO, L.L.P.

BY: /s/ Steve McConnico
Steve McConnico
State Bar No. 13450300
smcconnico@scottdoug.com
S. Abraham Kuczaj, III
State Bar No. 24046249
akuczaj@scottdoug.com
Sam Johnson
State Bar No. 10790600
sjohnson@scottdoug.com
600 Congress Avenue, Suite 1500
Austin, Texas 78701-2589
(512) 495-6300 – Telephone
(512) 474-0731 – Facsimile

ATTORNEYS FOR PLAINTIFFS EDDIE
RODRIGUEZ, *ET AL.*, TRAVIS COUNTY,
AND CITY OF AUSTIN

David Escamilla
Travis County Attorney
State Bar No. 06662300
P.O. Box 1748
Austin, Texas 78767
(512) 854-9416 - Telephone
(512) 854-4808 - Facsimile

ATTORNEY FOR PLAINTIFF
TRAVIS COUNTY

Karen Kennard
City Attorney
State Bar No. 11280700
P.O. Box 1088
Austin, Texas 78767-1088
(512) 974-2268 - Telephone
(512) 974-6490 - Facsimile

ATTORNEY FOR PLAINTIFF
CITY OF AUSTIN

CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of July, 2011, I electronically filed the foregoing using the CM/ECF system which will send notification of such filing to the following:

**Attorney for Plaintiffs Eddie Rodriguez, *et al.*,
Travis County, and City of Austin**

Max Renea Hicks

VIA FAX: 512-480-8231

Law Office of Max Renea Hicks
101 W. 6th Street, Suite 504
Austin, Texas 78701

**Attorney for Defendants Gov. Rick Perry,
Lt. Gov. David Dewhurst, Speaker Joe Straus,
Secretary of State Hope Andradé, and
the State Of Texas**

David Schenck, Deputy Attorney General
for Legal Counsel
209 W 14th Street
Austin, TX 78711

VIA FAX: 512-936-0545

**Attorney for Defendant Chair of the
Texas Democratic Party Boyd L. Richie**

Chad W. Dunn
4201 FM 1960 West, Suite 530
Houston, TX 77068

VIA FAX: 281-580-6362

**Attorney for Defendant Chair of the
Republican Party of Texas Steve Munisteri**

Donna Garcia Davidson
P.O. Box 12131
Austin, TX 78711-2131

VIA FAX: 877-200-6001

/s/ Steve McConnico
Steve McConnico